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**APPEALS BOARD  
UTAH LABOR COMMISSION**

**ALLEN C. CHRISTENSEN,**

**Petitioner,**

**vs.**

**BOX ELDER SCHOOL DISTRICT and  
WORKERS COMPENSATION FUND,**

**Respondents.**

**ORDER AFFIRMING  
ALJ'S DECISION**

**Case No. 03-1131**

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Box Elder School District and its insurance carrier, Workers Compensation Fund (referred to jointly as “Box Elder” hereafter) ask the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Sessions' determination that Box Elder is liable under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated) to purchase a prosthetic “C-leg” for Allen C. Christensen.

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63-46b-12 and § 34A-2-801(3).

**BACKGROUND AND ISSUE PRESENTED**

Mr. Christensen was involved in an accident in 1997 while driving a school bus for Box Elder. His injuries required amputation of his left leg at the knee.

The parties concede that Box Elder is required by § 34A-2-418 of the Utah Workers' Compensation Act to pay “reasonable sums for . . . prostheses necessary to treat the injured employee.” Box Elder previously purchased one prosthetic leg for Mr. Christensen, which now requires replacement. Mr. Christensen requests a particular prosthetic leg, known as a “C-leg.” Box Elder contends a less expensive “TOTAL knee” prosthetic leg is sufficient.

Judge Eblen held an evidentiary hearing in this matter on July 13, 2004. She subsequently resigned from her position with the Commission, and Judge Sessions was assigned to complete the adjudication of Mr. Christensen's claim. On August 11, 2005, Judge Sessions issued his decision ordering Box Elder to pay for the requested C-leg.

Box Elder's motion for review of Judge Sessions' decision reiterates its argument that the less expensive TOTAL knee is sufficient for Mr. Christensen.

**FINDINGS OF FACT**

Box Elder does not contest Judge Sessions' findings of fact. The Appeals Board therefore adopts those findings, which can be summarized as follows.

Using his original prosthesis, Mr. Christensen experienced blisters on his left- leg stump, as well as some instability and lack of confidence in the prosthesis. He compensated by placing most of his weight on his right leg. As a result, Mr. Christensen's mobility was limited and he began experiencing problems with his right leg.

Both Mr. Christensen's physician and his prothesist have recommended that Mr. Christensen replace his original prosthesis with a C-leg. The advantages of the C-leg include greater stability and safety, as well as additional mobility and comfort.

**DISCUSSION AND CONCLUSIONS OF LAW**

As noted above, the Utah Workers' Compensation Act requires employers and their insurance carriers to pay "reasonable sums for . . . prostheses necessary to treat the injured employee." In this case, Box Elder admits it is liable to provide Mr. Christensen with a new left-leg prosthesis. However, Box Elder argues it is entitled to substitute the less expensive TOTAL knee for the more expensive C-leg that Mr. Christensen and his medical providers have requested. The C-leg costs \$51,000; the TOTAL knee costs \$21,000.

In considering this matter, the Appeals Board notes that the process of determining which prosthetic devices are "necessary to treat the injured employee" requires evaluation of the injured workers' subjective and objective circumstances as well as consideration of advances of medical technology. In this case, the Appeals Board is persuaded that Mr. Christensen's medical conditions and personal circumstances require the benefits provided by the C-leg. In particular, Mr. Christensen needs the properties of stability, adequate weight distribution, and comfort that can be provided by the C-leg. The Appeals Board therefore concludes that the C-leg is necessary to treat Mr. Christensen's work-related injury and that Box Elder is liable for the cost of the C-leg.

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**ORDER**

The Appeals Board affirms Judge Session's decision. It is so ordered.

Dated this 14<sup>th</sup> day of December, 2006.

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Colleen S. Colton, Chair

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Patricia S. Drawe

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Joseph E. Hatch